

REMARKS**I. INTRODUCTION**

Claims 1-5, 8, and 9 have been amended. The drawings have been amended. Support for the amendments can be found at least at ¶ [0026] and Fig. 1 of the published application. Thus, claims 1-9 remain pending in the present application. No new matter has been added. Applicants would like to thank the Examiner for indicating that claims 5 and 6 contain allowable subject matter. However, in light of the above amendments and the following remarks, Applicants respectfully submit that all presently pending claims are in condition for allowance.

II. THE DRAWING REJECTION SHOULD BE WITHDRAWN

The drawings stand objected to because the Examiner states that element 2 in Fig. 1 of the application fails to show “memory.” (See 6/18/09 Office Action, p. 3). In light of the amendment to the drawings, the withdrawal of this objection is respectfully requested.

III. THE CLAIM OBJECTION SHOULD BE WITHDRAWN

Claim 2 stands objected to for an informality. In light of the amendment to this claim, the withdrawal of this objection is respectfully requested.

IV. THE 35 U.S.C. § 112 REJECTION SHOULD BE WITHDRAWN

Claims 2-6 stand rejected under 35 U.S.C. §112, second paragraph for being indefinite. Specifically, the Examiner states that it is unclear what “the second number” on line 8 of claim 2 means. In light of the amendments to the claims, the withdrawal of this rejection is respectfully requested.

V. THE 35 U.S.C. § 101 REJECTIONS SHOULD BE WITHDRAWN

Claims 1-7 stand rejected under 35 U.S.C. §101 for not falling within one of the four categories of invention. Specifically, the Examiner states that claim 1 “must have

either a meaningful tie to an ‘apparatus,’ or ‘machine,’ or the process must perform a qualifying transformation.” (See 6/18/09 Office Action, p. 5). Claim 1 has been amended to include “an image processing device,” which is defined in the specification. It is respectfully submitted that claim 1 now has “a meaningful tie to an ‘apparatus,’ or ‘machine,’” and is, therefore allowable. Because claims 2-7 depend on and, therefore, contain all of the limitations of claim 1, it is respectfully submitted that these claims are also allowable.

Claim 9 stands rejected under 35 U.S.C. §101 for being directed to non-statutory subject matter. As suggested by the Examiner (See Id., p. 6), claim 9 has been amended “to embody the program on ‘computer-readable medium.’” Therefore, it is respectfully submitted that claim 9 is allowable.

VI. THE 35 U.S.C. § 102(b) REJECTION SHOULD BE WITHDRAWN

Claims 1-4 and 8-9 stand rejected under 35 U.S.C. §102(b) for being anticipated by Okazaki et al. (U.S. Published App. No. 2003/0206645).

Claim 1 has been amended to recite, “[a] method of registering a first image and a second image, the method comprising the steps of: selecting, by an image processing device, at least one first landmark in the first image; selecting, by an image processing device, at least one second landmark in the second image; and registering, by an image processing device, the first and second images by using a similarity value which relates to a similarity of a first region in the first image determined by the at least one first landmark and a second region in the second image determined by the at least one second landmark; wherein the at least one first landmark corresponds to the at least one second landmark, and *wherein the registering includes determining a local deformation field for the at least one second landmark.*”

Okazaki discloses an image processing apparatus that captures a facial image using a plurality of cameras. A number of feature points on the facial image are selected (either 2 or 4). A rectangular region containing the feature points is obtained. The size

and shape of this rectangular region is based on whether there are 2 or 4 feature points. (See Okazaki, ¶¶ [0057]-[0058]).

Okazaki fails to mention determining a local deformation field for each of the feature points. The Examiner refers to Figs. 10 and 12 of Okazaki to meet this limitation and refers to the deformation needed to get from Fig. 10a to 10c. (See 6/18/09 Office Action, p. 9). However, Okazaki explicitly states that “[e]xamples of facial images input from the cameras 1-1, 1-2, and 1-3 and feature points extracted therefrom are as shown in (a), (b), and (c) of FIG. 10.” (See Okazaki, ¶ [0077]). So Fig. 10 is merely the images obtained by each of Okazaki’s cameras. There is no disclosure of deformation at the feature points. With regard to Fig. 12 of Okazaki, this figure is merely the normalization that would occur if 3 feature points were extracted. (See Id., ¶ [0082]). Again, there is no disclosure by Okazaki that any of these three feature points have local deformation fields. Accordingly, Okazaki is silent with regards to local deformation fields for the feature points and, thus, fails to disclose or suggest “*the registering includes determining a local deformation field for the at least one second landmark,*” as recited in claim 1. Therefore, Applicants respectfully submit that claim 1 and its dependent claims 2-4 are allowable over Okazaki.

Independent claims 8 and 9 recite limitations substantially similar to those of claim 1. Therefore, Applicants respectfully submit that claims 8 and 9 are also allowable over Okazaki for at least the foregoing reasons presented with regard to claim 1.

VII. THE 35 U.S.C. § 103(a) REJECTION SHOULD BE WITHDRAWN

Claim 7 stands rejected under 35 U.S.C. §103(a) for being obvious over Okazaki in view of Moshfeghi (U.S. Patent No. 5,633,951).

Applicants respectfully submit that Moshfeghi fails to cure the above mentioned deficiencies of Okazaki and that Okazaki and Moshfeghi, taken alone or in combination, fail to disclose or suggest “*the registering includes determining a local deformation field for the at least one second landmark,*” as recited in claim 1. Because claim 7 depends on

and, therefore, contains all of the limitations of claim 1, it is respectfully submitted that claim 7 is allowable.

CONCLUSION

In light of the foregoing, Applicants respectfully submit that all of the presently pending claims are in condition for allowance. All issues raised by the Examiner having been addressed. An early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

Dated: September 18, 2009

By: 

Oleg F. Kaplun (45,559)

Fay Kaplun & Marcin, LLP

150 Broadway, Suite 702

New York, NY 10038

Phone: 212-619-6000

Fax: 212-619-0276